REMARKS/ARGUMENTS

Claims 2, 3 and 5-8 were pending. Claim 5 has been deleted, accordingly, claims 2, 3 and 6-8 are now pending.

Claim 2 is rejected under 35 USC 112 as failing to comply with the enablement requirement. Claims 2, 3, and 5-8 are rejected under 35 USC 102(b) as being anticipated by Uenishi et al (US Patent Publication No. 2003/0013533). For the reasons set forth below, these rejections are traversed.

I.   NON-ART REJECTION

The Examiner's rejection of Claim 2 is respectfully traversed, as claim 2 is enabled under 35 USC 112 ¶1 and / or is now moot in light of the amendment to claim 1. The specific limitation cited by the examiner is "the arbitrary sub message" has been rewritten as follows:

> *the message output unit outputs, in an order based on the priority order,*
> *the acquired main message and the sub message having been retained in the*
> *retaining unit*

The antecedent basis for the term "sub message" is found in a preceding claim limitation. That limitation defines a "sub message" to be matched based upon the detected the winning and losing statuses. More specifically, a preceding claim limitation stated:

> *a sub message acquisition unit which detects winning and losing statuses*
> *of the friend and the enemy sides which change in accordance with a progress*
> *status of the battle at each predetermined timing, and acquires a sub message*
> *matching the winning and losing statuses that are detected;*

Accordingly, "the sub message" is determined based upon the "winning and losing status."

The undersigned is unsure as to the source of the Examiners rejection that "the arbitrary sub message" is "predetermined." Office Action 4/28/09, p.3, ¶1. At best, the

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following claim limitation mentions that "the sub message" determined is <u>output</u> based upon a "predetermined condition:"

> a message output unit which <u>*outputs, based on a predetermined condition,*</u> *the main message acquired by the main message acquisition unit and* <u>*the sub message acquired by the sub message acquisition unit*</u>;

As can be seen, this limitation relates to the <u>outputting</u> of "the sub message" and not the <u>acquisition</u> of "the sub message," as recited in the claims, above. These are two completely different limitations.

In light of the above, it is asserted that claim 2 is enabled under 35 USC 112 ¶1.

II.   PRIOR ART REJECTION

A.   Claim 2

Claim 2 is not taught, disclosed or suggested by Uenishi. More specifically Uenishi fails to disclose the limitations of:

> *a retaining unit that at least temporarily retains the sub message acquired by the sub message acquisition unit,* <u>*wherein a life duration time is set at least for each sub message retained in the retaining unit*</u>;

> *a message deletion unit that* <u>*deletes from the retaining unit a sub message whose life duration time has been expired,*</u> *from among the sub messages retained in the retaining unit is further provided,*

> <u>*the message output unit outputs, in an order based on the priority order,*</u> *the acquired main message and the sub message having been retained in the retaining unit.*

As previously discussed, in various embodiments of the present invention, two types of messages are specified, "main messages," publication ¶[0126] and "sub messages" ¶[0127]. These messages are stored in a retaining unit or queue buffer ¶[0103]. Further, it was described that each of the main messages and sub messages have an assigned "priority order"

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¶[1030]. An example of sub messages that may be stored in a queue buffer was illustrated in Fig. 4B:

DATA ID	PRIORITY ORDER	LIFE DURATION TIME	CONTENT	· · ·
234567	5	1. 5	"WE CAN GO ON!"	· · ·
234578	4	2. 0	"THEY'VE GOT QUITE A SKILL!"	· · ·
234579	6	3. 0	"IT FEELS LIKE WE'RE GETTING INTO THE SWING OF IT!"	· · ·
234580	5	1. 5	"OH MY GOSH!"	· · ·
234581	4	3. 0	"WE CAN'T CATCH UP!"	· · ·
234582	6	2. 0	"THE DRILLS ARE PAYING OFF!"	· · ·
⋮	⋮	⋮	⋮	⋮

FIG. 4B

As discussed in the specification, the priority orders of the main messages and sub messages stored in the queue buffer determine the ordering of output of the messages, ¶1030. Further, the "life duration time" determines the validity time for the sub-message. This means that sub-messages that are stored in the queue buffer may expire after the life duration time is exceeded and thus be deleted from the queue buffer, without even being output. More specifically, the specification states:

[0122] *The life duration times in the drawings are values designating the time for which the audio data can be retained in the queue buffer 210.* Specifically, *if audio data having a life duration time set is kept in the queue buffer 210 without being output and the life duration time has passed, the audio data is deleted (cleared from the queue) by the life duration management unit 211* described later. That is, *when the life duration time passes, the audio data is deleted from the queue buffer 210 and does not remain as an object of audio*

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> *output.* Note that the values of life duration time are set for only the audio data in
> FIG. 4B, and no life duration times are set for the audio data in FIG. 4A.

Thus, in light of the above, it can be seen that the queue buffer or retaining unit may store sub-messages having a life duration time. Further, a life duration management unit or message deletion unit may delete sub-messages when the life duration time has passed, even though those sub-messages have not been played.

The cited portions of Uenishi do not disclose the above limitations. At best, it appears that Uenishi discloses playing two types of audio messages to a player at the same time, such as "cheers" and "broadcasting sounds." Uenishi Abstract. As illustrated in Fig. 3 of Uenishi, the cheers are played at a loud volume, until a trigger for a broadcasting sound is determined; the volume of the cheers is then lowered, and the broadcasting sound is played at a loud volume; finally, the volume of the cheers is played at a loud volume.

The Examiner's assertions with regards to claim 5 is very different from what is actually claimed. Limitations of claim 5 which included the above quoted limitations were added to independent claim 1. With regards to claim 5, the Examiner cited a generic memory for holding audio data "just before it is sent to an output device such as speaker, 23." Further, the Examiner stated that each message in the buffer, had "a life duration time" of the storage time in the buffer until output. OA 4/28/09, p.5, ¶3. In other words, the Examiner stated that audio messages had "life duration times" equal to the time it would take to buffer and play the respective audio messages.

As claimed above, "a life duration time is set at least for each sub message retained in the retaining unit." This means that the life duration time is a set or definite amount of time. As illustrated in Fig. 4B, this "life duration time" was pre-determined or set for each sub-message. In contrast, the Examiner's life duration time is indeterminate, in other words, how long messages are stored before they are played out cannot be predicted. Accordingly, any measured duration is not a "set" time, as recited above. This distinction is significant, as with embodiments of the present invention, sub-messages may be deleted before they are played out

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based upon the "set" time, whereas in the Examiner's assertion, messages are always played out, and not deleted prior to being played out.

As claimed above, "a priority order is set for each main message and each sub message." As illustrated in Figs. 4A and B, this "priority order" was pre-determined or set for each message and sub-message. Further, as disclosed in various embodiments, _order_ meant in time order, e.g. sequentially. In contrast, Uenishi disclosed playing cheers and broadcasting sounds at the same time, not in any sequential order. Further, it appears that Uenishi disclosed playing back audio clips simply as queued, in other words, audio clips were played in the order they were received. Accordingly, there is no priority order that was "set" for messages, as recited above.

In light of the above, the rejection of claim 2 in light of Uenishi is traversed, as Uenishi fails to disclose all the limitations of claim 2.

B.   Remaining claims

Claim 3, dependent upon claim 2 is also asserted to be allowable in light of the arguments above, and more specifically, for the specific limitations it recites.

Claims 6-8 are also asserted to be allowable over Uenishi for substantially the same reasons as claim 2 discussed above, and more specifically, for the specific limitations they recite.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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